

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claims 32 and 34.
2. Elect Species A with traverse.

B. ELECTION UNDER 35 USC 121 & TRAVERSE

In response to the Office Action dated July 7, 2010, Applicant elects Species A for further prosecution in the event no generic claim is finally held to be allowable.

The Office Action contends that claims 32, 55 and 56 are generic. Applicants traverse this generic determination and instead submit that claims 32 – 56 and 61 are generic, as none of claims 32 – 56 or 61 are limited by the feature which characterizes the restriction (i.e., the shape of the catalyst layers). Indeed, claims 32 – 57 and 61 are all of broader scope and do not specify the shape of the catalyst layers. Accordingly, Applicants submit that claims 32 – 57 or 61 are readable on the elected species.

Moreover, with respect to the subject matter of the restriction requirement, (i.e., the shape of the catalyst layers), a restriction requirement is not proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for possible use in a divisional application.

C. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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